

**City of Alamo Heights
BOARD OF ADJUSTMENT
MINUTES**

February 11, 2009

The Board of Adjustment held its rescheduled meeting in the Council Chambers at 6120 Broadway on Wednesday, February 11, 2009 at 5:30 p.m.

Members present and composing a quorum of the Board:

Bill Orr – Chairman
Susan Wilson –Vice Chair
Grant McFarland
Hall Hammond, Alternate

Members Absent:

Andrew Herdeg, Alternate
Gregg Chislett

Staff Members Present:

Ann McGlone, Community Development Director
Gracie Flores, Community Development Representative
Kathy Rodriguez, Community Development Coordinator
Mike Brenan, City Attorney

The meeting was called to order by Mr. Orr at 5:34 p.m.

Mr. McFarland made a motion to approve the minutes from January 7, 2009 as submitted. Ms. Wilson seconded the motion.

The motion was approved with the following vote:

FOR: Orr, Wilson, McFarland, Hammond

AGAINST: None

CASE NO. 1991

100 Castano Ave., Brightleaf Partners, owner, represented by Lyndsay Thorn, architect, is requesting a variance to provide a front yard wall height of 6 ft. instead the required 3 ft. on property zoned MF-D. The applicant is proposing to construct a wall behind the mail box.

Mr. Thorn explained to the Board that the wall would give the future owner privacy. There was discussion on the request being a true hardship.

A motion was made by Mr. Hammond to deny Case Number 1991. The motion was seconded by Ms. Wilson.

The motion was approved with the following vote:

FOR: Orr, Wilson, Hammond

AGAINST: McFarland

CASE NO. 2002

518 Evans Ave., Kiech Jung, owner, is requesting to construct an 8 foot tall wood fence along the side of the property located at 518 Evans Ave., Lot 5, E 12 ½ of 4, Block 170, CB 4024, zoned SF-A. The permit was denied on the grounds that the fence height will be 8 feet instead of the 6 feet maximum allowed by Sec. 3-82(9).

Mr. Orr asked the owner what the hardship was. Mr. Jung stated that noise and privacy were an issue but it would be aesthetically appealing as well. Mr. Orr asked if the applicant had spoke with his neighbors about the proposed fence. Mr. Jung stated that he had not. Mr. McFarland asked if staff had received any comments. Ms. McGlone stated that staff had not received anything. The Board discussed whether or not the request had a legitimate hardship.

A motion was made by Mr. Hammond to approve Case No. 2002 as submitted. The motion was seconded by Mr. McFarland.

The motion was approved with the following vote:

FOR: Orr, Wilson, McFarland, Hammond

AGAINST: None

CASE NO. 2003

536 Castano Ave., James & Mary Williams, owners, are requesting to construct an 8 foot tall CMU and stucco wall at the rear of the property located at 536 Castano Ave., Lot 1, 2 & 3, Block 195, CB 4024, zoned SF-A. The permit was denied on the grounds that the wall height will be 8 feet instead of the 6 feet maximum allowed by Sec. 3-82(9).

Mr. James Rahe, Sage Architecture, Inc., informed the Board that City Council had approved the demolition of the existing one-story single car garage on December 8, 2008. Mr. Rahe explained that shortly after the demolition, it was soon discovered that there was a slope in the backyard and the 6 ft. maximum height would not be adequate for screening from his neighbor's two-story garage.

A motion was made by Mr. Hammond to approve Case No. 2003 with the condition that stucco would be used on both sides. The motion was seconded by Ms. Wilson.

The motion was approved with the following vote:

FOR: Orr, Wilson, McFarland, Hammond

AGAINST: None

CASE NO. 1999

309 Lamont Ave., Lisa Treat, owner, represented by David Treat, is requesting to expand an existing non-conforming structure located at 309 Lamont Ave, W 27 of Lot 14, all of Lots 15 & 16, and the E ½ of Lot 17, Block 193, CB 4024, zoned SF-A. The permit was denied on the grounds that the nonconforming use shall not be expanded in a manner that would increase the degree of the nonconformity ,as directed in Sec.3-89(4), resulting in two main structures on one tract of land which does not comply with Sec.3-86(2).

In the event that the Board of Adjustment approves the application to allow two main structures on one tract of land, then the board shall consider an application to construct additions to an existing structure located at 309 Lamont Ave. The permit was denied based on the following: 1) the rear yard setback would be 15 feet instead of the 35 feet required by Sec.3-16(1). 2) the side yard setback would be 4 feet 8 inches instead of the 6 feet required by Sec.3-14(3). 3) the separation of the two structures would be 7 feet instead of the 10 feet minimum required by Sec.3-85(3).

Mr. David Treat, owner, informed the Board that he and his wife would like his parents-in-law to move in to the non-conforming structure but explained how much work was needed. Mr. Treat stated that he would not change the character of the structure but add elements such as an ADA compliant bathroom and additional living space to accommodate the special needs of his parents-in-law. Ms. McGlone informed the Board that the applicants had submitted an application to rezone the property and would present their case at the next scheduled Planning and Zoning meeting.

A motion was made by Mr. Hammond to approve Case No. 1999 allowing two main structures on one tract of land. The motion was seconded by Mr. McFarland.

The motion was approved with the following vote:
FOR: Orr, Wilson, McFarland, Hammond
AGAINST: None

A motion was made by Mr. Hammond to approve all three variance requests for Case 1999 as submitted. The motion was seconded by Mr. McFarland.

The motion was approved with the following vote:
FOR: Orr, Wilson, McFarland, Hammond
AGAINST: None

EXTENSIONS

Case 1996, 120 Wildrose, request for a 90 day extension of previously approved variances.

Ms. Wilson made a motion to approve the 90 day extension request. It was seconded by Mr. McFarland.

The motion was approved with the following vote:
FOR: Orr, Wilson, McFarland, Hammond
AGAINST: None

Case 1976, 119 Encino, request for a 90 day extension of previously approved variances.

Mr. McFarland made a motion to approve the 90 day extension request. It was seconded by Ms. Wilson.

The motion was approved with the following vote:

FOR: Orr, Wilson, McFarland, Hammond

AGAINST: None

Case 1998, 119 Encino, request for a 90 day extension of previously approved variances.

Mr. McFarland made a motion to approve the 90 day extension request. It was seconded by Mr. Hammond.

The motion was approved with the following vote:

FOR: Orr, Wilson, McFarland, Hammond

AGAINST: None

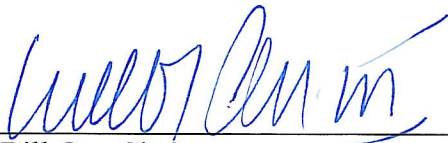
EXECUTIVE SESSION

At 6:29 p.m., Mr. Orr adjourned the regular Board of Adjustment meeting to conduct a closed meeting with Mike Brennan, City Attorney, to discuss the litigation results of the case, Pace v. City of Alamo Heights, as authorized in Section 551.071 of the Texas Government Code.

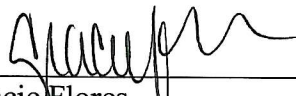
Mr. Orr reconvened the regular meeting at 6:50 p.m. There was no action taken during the closed session.

There being no further business, the meeting was adjourned at 6:50 p.m.

THE PROCEEDINGS OF THE BOARD OF ADJUSTMENT ARE ALSO RECORDED ON COMPACT. THESE MINUTES ARE THE OFFICIAL RECORD OF THE PROCEEDINGS CONTAINED HEREIN. THESE MINUTES ARE NOT A VERBATIM TRANSCRIPT OF THE PROCEEDINGS AND DO NOT PURPORT TO INCLUDE ALL EVIDENCE PRESENTED OR STATEMENTS MADE.



Bill Orr, Chairman



Gracie Flores
Recording Secretary

4-1-09

Date Signed & Filed